

Inasmuch as no objection is pending at this time, the stay is lifted.

MAY - 7 2008

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

APR 21 2008

FILED
CLERK'S OFFICE

15

IN RE: CHOCOLATE CONFECTIONARY
ANTITRUST LITIGATION

MDL No. 1935

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)



On April 7, 2008, the Panel transferred 15 civil actions to the United States District Court for the Middle District of Pennsylvania for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See ___ F.Supp.2d ___ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Christopher C. Conner.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Middle District of Pennsylvania and assigned to Judge Conner.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Middle District of Pennsylvania for the reasons stated in the order of April 7, 2008, and, with the consent of that court, assigned to the Honorable Christopher C. Conner.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Middle District of Pennsylvania. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Jeffrey N. Luthi
Clerk of the Panel

A CERTIFIED TRUE COPY

MAY - 7 2008

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

**IN RE: CHOCOLATE CONFECTIONARY
ANTITRUST LITIGATION**

MDL No. 1935

SCHEDULE CTO-1 - TAG-ALONG ACTIONS**DIST. DIV. C.A. #****CASE CAPTION****CALIFORNIA CENTRAL**

| | |
|---------------|---|
| CAC 2 08-295 | Marcy Linder v. The Hershey Co., et al. |
| CAC 2 08-319 | Molly Wagman v. The Hershey Co., et al. |
| CAC 2 08-620 | Eugenia Miceli v. The Hershey Co., et al. |
| CAC 2 08-908 | Jones Vend & OCS Distributing, Inc. v. Nestle USA, Inc., et al. |
| CAC 2 08-1022 | C.W. Brower, Inc. v. Nestle USA, Inc., et al. |
| CAC 2 08-1079 | Russell Traub v. Cadbury Adams Canada, Inc., et al. |
| CAC 2 08-1338 | Craig Stephenson v. The Hershey Co., et al. |
| CAC 2 08-1341 | Kevin Tierney v. The Hershey Co., et al. |
| CAC 2 08-1859 | Treat America Ltd. v. Nestle USA, Inc., et al. |

CALIFORNIA NORTHERN

| | |
|--------------|---|
| CAN 3 08-543 | John Candido v. The Hershey Co., et al. |
| CAN 3 08-674 | Lisa Blackwell v. The Hershey Co., et al. |

MICHIGAN EASTERN

| | |
|----------------|---|
| MIE 2 08-10400 | Edward S. Hesano v. The Hershey Co., et al. |
|----------------|---|

NEW JERSEY

| | |
|--------------|---|
| NJ 2 08-257 | D Controls, Inc. v. The Hershey Co., et al. |
| NJ 2 08-258 | Setih E. Ellis, P.A. v. The Hershey Co., et al. |
| NJ 2 08-259 | Marc Lavin, et al. v. The Hershey Co., et al. |
| NJ 2 08-272 | Jonathan Benjamin v. The Hershey Co., et al. |
| NJ 2 08-274 | Daphne Matelene v. The Hershey Co., et al. |
| NJ 2 08-348 | Daniel Klein v. The Hershey Co., et al. |
| NJ 2 08-499 | Ellen Widom v. The Hershey Co., et al. |
| NJ 2 08-502 | Adrianne Shienvold v. The Hershey Co., et al. |
| NJ 2 08-631 | Ben Lee Distributors, Inc. v. The Hershey Co., et al. |
| NJ 2 08-634 | Julia Isenhower v. The Hershey Co., et al. |
| NJ 2 08-706 | Isabelle Dikland v. The Hershey Co., et al. |
| NJ 2 08-845 | Thomas Rode v. The Hershey Co., et al. |
| NJ 2 08-869 | Royal Enterprises Corp. v. The Hershey Co., et al. |
| NJ 2 08-941 | Weaver Nut Co. v. The Hershey Co., et al. |
| NJ 2 08-1003 | Autry Greer & Sons, Inc., et al. v. The Hershey Co., et al. |
| NJ 2 08-1537 | Cindy Elan-Mangano v. The Hershey Co., et al. |

MDL No. 1935 - Schedule CTO-1 Tag Along Actions (Continued)

| <u>DIST. DIV. C.A. #</u> | <u>CASE CAPTION</u> |
|-----------------------------|---|
| NEW YORK SOUTHERN | |
| NYS 1 08-910 | NMJ Consultant Group, Inc. v. Cadbury Adams Canada, Inc., et al. |
| NYS 1 08-1205 | Canteen Vending Co. v. Cadbury Adams Canada, Inc., et al. |
| NYS 1 08-1548 | The Candy Jar, Inc. v. Nestle Suisse S.A., et al. Vacated 5/1/08 |
| NYS 1 08-1570 | VME Distributors, Inc. v. Cadbury Adams Canada, Inc., et al. |
| NYS 1 08-1960 | Card & Party Mart II Ltd. v. Cadbury Adams Canada, Inc., et al. |
| PENNSYLVANIA EASTERN | |
| PAE 2 08-368 | Canteen Co. of Utica-Rome, Inc. v. The Hershey Co., et al. |
| PAE 2 08-376 | Donald Webster v. The Hershey Co., et al. |
| PAE 2 08-772 | Brookshire Brothers, Ltd. v. The Hershey Co., et al. |
| PAE 2 08-810 | Paula Wolner v. The Hershey Co., et al. |
| PAE 2 08-942 | Pitco Foods v. Cadbury Adams Canada, Inc., et al. |
| PAE 2 08-1136 | The Kroger Co., et al. v. Cadbury Schweppes PLC, et al. |
| PAE 2 08-1155 | Meijer, Inc., et al. v. The Hershey Co., et al. |
| PAE 2 08-1182 | Publix Super Markets, Inc. v. Cadbury Schweppes PLC, et al. |
| PAE 2 08-1223 | Affiliated Foods, Inc. v. The Hershey Co., et al. |
| PAE 2 08-1365 | CVS Pharmacy, Inc., et al. v. Cadbury Adams Canada, Inc., et al. |
| PENNSYLVANIA WESTERN | |
| PAW 2 08-414 | Giant Eagle, Inc. v. The Hershey Co., et al. |
| TENNESSEE EASTERN | |
| TNE 2 08-51 | Cyrus T.G., Inc., et al. v. The Hershey Co., et al. Opposed 5/6/08 |
| TEXAS EASTERN | |
| TXE 6 08-21 | Lori Ann Hongach v. The Hershey Co., et al. |
| TXE 6 08-90 | Esther Naomi Lieberman v. The Hershey Co., et al. |
| WISCONSIN EASTERN | |
| WIE 2 08-131 | Debra L. Damaske, et al. v. The Hershey Co., et al. |

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: (202) 502-2800
Fax: (202) 502-2888
<http://www.jpml.uscourts.gov>

May 7, 2008

Mary E. D'Andrea, Clerk
P.O. Box 983
Harrisburg, PA 17108-0983

FILED
HARRISBURG, PA

MAY - 7 2008

Re: MDL No. 1935 -- IN RE: Chocolate Confectionary Antitrust Litigation

(See Attached CTO-1)

MARY E. D'ANDREA, CLERK

Per 

Dear Ms. D'Andrea:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on April 21, 2008. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. § 1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

Attachment

cc: Transferee Judge: Judge Christopher C. Conner
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)

By 
Deputy Clerk

Certified from the record
Date 5/7/08

Mary E. D'Andrea, Clerk

Per 

Deputy Clerk

JPML Form 36